

Sixth Appellate District

San Jose, California

MONDAY, FEBRUARY 4, 2007

(no minute approved orders)

TUESDAY, FEBRUARY 5, 2008

The following cases are submitted this date:

H031439 HUANG v. BELL, et al.
H030040 BAUGHN v. CITY OF SALINAS, et al.
H030575 PEOPLE v. STANLEY
H031603 PEOPLE v. HUNG
H030747 PEOPLE v. BERGARA
H031470 PEOPLE v. BALDWIN
H031427 PEOPLE v. GAMBLE
H030446 PEOPLE v. GONZALES
H031413 PEOPLE v. WILLIAMS
H031193 NALIN v. NEEKA ACCOUNTANCY CORPORATION
H031825 PEOPLE v. GUIDOTTI
H031989 PEOPLE v. PRUDENTE
H031321 PEOPLE v. DILLON
H031735 In re NATALIE W.; SANTA CRUZ COUNTY HRA v. SUSAN S.
H031438 TSAO v. KNABB
H029892 PEOPLE v. SLATER
H031935 PEOPLE v. HUTCHINSON
H031373 PEOPLE v. SALDANA
H031384 PEOPLE v. CAMEL
H030248 SANTA CLARA VALLEY TRANSPORTATION AUTHORITY v. MISSION
WEST SHORELINE LLC

H032068 CAMPBELL v. SUPERIOR COURT OF SANTA CLARA COUNTY; THE
PEOPLE
(Filed modification of opinion with no change in the judgment.)
(published) The petition for rehearing is denied.
(Bamattre-Manoukian, Acting P.J., Mihara, J., McAdams, J.)
Filed February 5, 2008

WEDNESDAY, FEBRUARY 6, 2008

H030767 KRINSKY v. DOE 6

The order denying Doe 6's motion to quash the subpoena is
reversed. The trial court is directed to enter a new order
quashing the subpoena to the extent that it commands Yahoo! to
disclose the identity of "Senor_Pinche_Wey." Doe 6 is entitled
to his costs on appeal. (published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed February 6, 2008

Sixth Appellate District

San Jose, California

Wednesday, February 6, 2008 (continued)

H030596 ROYBAL, et al., v. GOVERNING BOARD OF THE SALINAS CITY
ELEMENTARY SCHOOL DISTRICT, et al.

Filed order publishing opinion.

(Elia, J., Rushing, P.J., Premo, J.)

H029978 PEOPLE v. THOMAS

The judgment is modified to provide that the five-year term imposed under Penal Code section 667, subdivision (a), is consecutive to the indeterminate term imposed under Penal Code section 667, subdivision (e)(2)(A)(ii). The trial court is directed to file an amended abstract of judgment so reflecting. The judgment as so modified is affirmed without prejudice to defendant's petition for habeas corpus. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed February 6, 2008

THURSDAY, FEBRUARY 7, 2008

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Jane Valdez Flor, Deputy Clerk.

H030462 PEOPLE v. CASTRO, JR.

Cause called and argued by David D. Martin appearing for Appellant and by John R. Vance Jr., Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030305 PEOPLE v. SATTERFIELD

Cause called and argued by Paul Kleven appearing for Appellant and by Sharon Birenbaum, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030699 PETERSON v. WEISS

Cause called and argued by Larry A. Peterson appearing in propria persona and by Bradford Baugh appearing for Respondent. Cause ordered submitted.

Rushing, P.J. and Elia, J. leave the bench and McAdams, J. and Duffy, J. take the bench.

H030422 PEOPLE v. LEBBOS

Cause called and argued by Peter Goldscheider appearing for Appellant and by Joan Killeen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court is adjourned.

Sixth Appellate District

San Jose, California

Thursday, February 7, 2008 (continued)

H031010 PEOPLE v. CHIEN

The trial court's order denying defendant's motion to vacate his conviction and withdraw his plea pursuant to Penal Code section 1016.5 is affirmed. (published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed February 7, 2008

H030880 HARBAUGH v. YAMAHA OF SANTA CRUZ COUNTY, et al.

H031195 HARBAUGH v. YAMAHA OF SANTA CRUZ COUNTY, et al.

The judgment in favor of Yamaha of Santa Cruz County and Yamaha Motor Corporation in Case No. H030880 is affirmed. Defendants are awarded their costs on appeal. The post-judgment order of December 12, 2006 in Case No. H031195 is modified by striking the award of attorney's fees to Yamaha Motor Corporation. As so modified, the post-judgment order is affirmed. Each party shall bear its own costs on appeal. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)
Filed February 7, 2008

H030350 PEOPLE v. WU, et al.

Filed modification of opinion with no change in the judgment.
(not published)
(Elia, J., Rushing, P.J., Premo, J.)
Filed February 7, 2008

FRIDAY, FEBRUARY 8, 2008

The following cases are submitted this date:

H031538 PEOPLE v. CONNORS

H031456 PEOPLE v. HOWLAND

H031838 PEOPLE v. LADD

H031831 PEOPLE v. PALACIOS

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)
Filed February 8, 2008

Sixth Appellate District

San Jose, California

Friday, February 8, 2008 (continued)

H030989 PEOPLE v. FOREST C.

The case is remanded for the juvenile court (1) to determine whether to stay the vandalism count under section 654, and (2) to declare the vandalism count as either a felony or a misdemeanor, as required by Welfare and Institutions Code, section 702. In all other respects, the challenged jurisdictional and dispositional orders are affirmed. (not published)
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)
Filed February 8, 2008

H031136 PEOPLE v. WELKER

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed February 8, 2008